

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September, 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet: (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Leslie Mock		DEFENDANTS CardWorks Servicing, LLC; Carson Smithfield, LLC																																																																
(b) County of Residence of First Listed Plaintiff: <u>Hays County, Texas</u> (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant: <u>Nassau County, New York</u>																																																																
(c) Attorneys (Firm Name, Address, And Telephone Number) Amy E. Clark Kleinpeter Hill Country Consumer Law 12731 Research Boulevard Building A, Suite 103 Austin, Texas 78759 512-850-5290		Attorneys (If Known) Thomas G. Yoxall Matthew H. Davis Locke Lord LLP 2200 Ross Avenue, Suite 2200 Dallas, Texas 75201 (214) 740-8000																																																																
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One For Plaintiff and One Box for Defendant)																																																																
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business in this State	PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4																																																														
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5																																																														
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6																																																														
IV. NATURE OF SUIT (Place an "X" in One Box Only)																																																																		
<table border="1"> <tr><td><input type="checkbox"/> 110 Insurance</td><td>PERSONAL INJURY</td><td>PERSONAL INJURY</td><td><input type="checkbox"/> 610 Agriculture</td><td>PROPERTY RIGHTS</td><td><input type="checkbox"/> 400 State Reappointment</td></tr> <tr><td><input type="checkbox"/> 120 Marine</td><td><input type="checkbox"/> 310 Airplane</td><td><input type="checkbox"/> 362 Personal Injury-- Med Malpractice</td><td><input type="checkbox"/> 620 Other Food & Drug</td><td><input type="checkbox"/> 422 Appeal 28 USC 158</td><td><input type="checkbox"/> 410 Antitrust</td></tr> <tr><td><input type="checkbox"/> 130 Miller Act</td><td><input type="checkbox"/> 315 Airplane Product Liability</td><td><input type="checkbox"/> 365 Personal Injury-- Product Liability</td><td><input type="checkbox"/> 625 Drug Related Seizure of Property 21 U.S.C. 881</td><td><input type="checkbox"/> 423 Withdrawal 28 USC 157</td><td><input type="checkbox"/> 430 Banks and Banking</td></tr> <tr><td><input type="checkbox"/> 140 Negotiable Instrument</td><td><input type="checkbox"/> 320 Assault Libel & Slander</td><td><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</td><td><input type="checkbox"/> 630 Liquor Laws</td><td><input type="checkbox"/> 450 Commerce</td></tr> <tr><td><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</td><td><input type="checkbox"/> 330 Federal Employers' Liability</td><td><input type="checkbox"/> 370 Other Fraud</td><td><input type="checkbox"/> 640 R R & Truck</td><td><input type="checkbox"/> 460 Deportation</td></tr> <tr><td><input type="checkbox"/> 151 Medicare Act</td><td><input type="checkbox"/> 340 Marine</td><td><input type="checkbox"/> 371 Truth in Lending</td><td><input type="checkbox"/> 650 Airline Regs</td><td><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</td></tr> <tr><td><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. 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<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 950 Constitutionality of State Statutes																																																														
VI. CAUSE OF ACTION		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 1331; 47 U.S.C. § 227 (removal of action asserting federal claim) Brief description of cause: Plaintiff alleges that Defendants made unauthorized calls to Plaintiff's cell phone.																																																																
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P 23	DEMAND \$	CHECK YES only if demanded in complaint JURY DEMAND: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO																																																														
VIII. RELATED CASE(S) IF ANY		(See instructions)	JUDGE	DOCKET NUMBER																																																														
DATE August 16, 2012		SIGNATURE OF ATTORNEY OF RECORD /s/ B. David L. Foster by permission M.H.D.																																																																
FOR OFFICE USE ONLY																																																																		
Receipt # _____ Amount _____ APPLYING IPP _____ JUDGE _____ MAG. JUDGE _____																																																																		

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States, are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a) Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity** Example: U.S. Civil statute: 47 USC 553; Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference related cases that are related to this filing if any. If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is "related" to this filing if the case: (1) involves some or all of the same parties and is based on the same or similar claim; (2) involves the same property, transaction, or event; (3) involves substantially similar issues of law and fact; and/or (4) involves the same estate in a bankruptcy appeal.

Date and Attorney Signature. Date and sign the civil cover sheet.